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10 IN THE UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,  
13  
14 Plaintiff,  
15 v.  
16 KEVIN STERN,  
Defendant.

CASE NO. 2:21-CR-00021-JAM  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
COURT: Hon. John A. Mendez

17  
18 **STIPULATION**

19 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
20 through defendant's counsel of record, hereby stipulate as follows:

21 1. By previous order, this matter had been set for status hearing on November 18, 2021,  
22 before the Honorable Morrison C. England. Time has previously been excluded until that date.

23 2. On November 9, 2021 Chief District Judge Kimberly Mueller reassigned this case to the  
24 Honorable John A. Mendez and vacated the date previously set for the status hearing.

25 3. By this stipulation, defendant now moves to continue the status conference until February  
26 15, 2022, and to exclude time between November 19, 2021, and February 15, 2022, under Local Code  
27 T4.

28 4. The parties agree and stipulate, and request that the Court find the following:

1           a)       The government has represented that the discovery associated with this case to date  
2 includes more many pages of investigative reports, photographs, affidavits, and other documents;  
3 recorded phone calls intercepted pursuant to the Title III wiretap; and other video and audio  
4 recordings. Much of this discovery has been produced directly to counsel and/or made available for  
5 inspection and copying. Additional discovery is forthcoming.

6           b)       Counsel for defendant needs additional time to review the discovery in this case, to  
7 conduct independent factual investigation, to research trial and sentencing issues, to consult with the  
8 client, and to otherwise prepare.

9           c)       Counsel for defendant believes that failure to grant the above-requested  
10 continuance would deny him the reasonable time necessary for effective preparation, taking into  
11 account the exercise of due diligence.

12           d)       The government does not object to the continuance.

13           e)       Based on the above-stated findings, the ends of justice served by continuing the  
14 case as requested outweigh the interest of the public and the defendant in a trial within the  
15 original date prescribed by the Speedy Trial Act.

16           f)       For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
17 et seq., within which trial must commence, the time period of November 19, 2021 to February  
18 15, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local  
19 Code T4] because it results from a continuance granted by the Court at defendant's request on  
20 the basis of the Court's finding that the ends of justice served by taking such action outweigh the  
21 best interest of the public and the defendant in a speedy trial.

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 19, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

/s/ ADRIAN T. KINSELLA  
ADRIAN T. KINSELLA  
Assistant United States Attorney

Dated: November 19, 2021

/s/ Olaf W. Hedberg  
Olaf W. Hedberg  
Counsel for Defendant  
Kevin Stern

**ORDER**

IT IS SO FOUND AND ORDERED this 19<sup>th</sup> day of November, 2021.

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE